

# **ILPA** information sheet

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## **Legal Aid 12 – Immigration Advisory Service (IAS)**

*3<sup>rd</sup> August 2011*

On 8 July 2011, the Immigration Advisory Service (IAS) went into administration. This information sheet provides information about the situation for IAS clients, and more generally about the impact of the IAS announcement.

### **What should IAS clients do?**

Information remains available on the IAS website. For clients of an IAS office in England and Wales, information is available at: [www.iasuk.org/home.aspx](http://www.iasuk.org/home.aspx)

Requests for documents held by IAS may be sent to any of the following addresses. Any request should include an address to which documents can be sent by recorded delivery.

- **Postal address:** The Joint Administrators, Immigration Advisory Service, 3<sup>rd</sup> Floor, King Edward House, 135a New Street, Birmingham B2 4QT
- **Fax:** 0121 616 244
- **Email address:** [ias@corkgully.com](mailto:ias@corkgully.com)

The information on the website also states that, for clients of an IAS office in England and Wales:

- From 8 July 2011, IAS is not doing any more work on its cases
- All IAS offices are closed, and clients should not visit an IAS office

The website gives other information, and it is recommended that IAS clients and those assisting them visit the website. However, a priority may be to try to find alternative legal representation. The experience last year, with the closure of RMJ, was that finding alternative legal representation as quickly as possible will for many be the most important step.

**Please Note:** The situation is different in Scotland because Scotland has its own legal and Legal Aid system. For clients of the IAS office in Scotland, information is available at: [www.iasuk.org/ias-scotland-only.aspx](http://www.iasuk.org/ias-scotland-only.aspx)

### **What are the UK Border Agency and the immigration tribunals doing?**

The UK Border Agency has informed ILPA of the following steps that it has taken or will take in relation to cases where it has IAS on record as the individual's representative:

- It will contact IAS clients to confirm to what address it should now send any documentation
- If it is unable to make contact, it will send any documentation to the address it has on record as the home address of the IAS client
- It has instructed its staff that “where necessary”, they should agree to requests to delay key events (these might include UK Border Agency interviews or decisions)
- It has instructed its presenting staff (those who represent it in immigration tribunals) not to contest requests for adjournments
- It has instructed its staff “where appropriate” to allow additional time for evidence to be submitted where documentation is currently held by IAS

However, the UK Border Agency has also rejected a proposal by ILPA that it suspend removals in IAS cases for a period to allow IAS clients an opportunity to obtain alternative representation. This is a general refusal by the UK Border Agency. It may be that in individual cases, having regard to the specific things it has agreed (see above list), the UK Border Agency may be persuaded to delay a removal.

The immigration tribunals (that is the Immigration and Asylum Chambers of the First-tier Tribunal and Upper Tribunal) have issued guidance to immigration judges so that, at least initially, adjournment requests by IAS clients should be granted in order to give them an opportunity to obtain alternative representation.

### **Background**

The IAS announcement happened barely 12 months after Refugee and Migrant Justice (RMJ) entered into administration in June 2010 – see the November 2010 “Legal Aid 5 – 2010 Update” information sheet for more information. RMJ’s administration quickly led to its closure. Between then and the IAS announcement, the Legal Services Commission awarded Legal Aid contracts for immigration and asylum matters, a substantial proportion of which went to IAS – particularly in many of the regions outside of London.

The Legal Services Commission is looking to make arrangements so that IAS cases can be transferred to other Legal Aid lawyers. However, there is now a major disincentive for some of the firms and agencies, who did not get the contracts (or the size of contracts) they wanted last year, against expanding their services to take on significantly more Legal Aid work. That disincentive is provided by the Government’s plans, first announced as proposals in February 2011 and confirmed in June 2011, to reduce Legal Aid fees across the board by 10% later this year; and to stop Legal Aid altogether in nearly all immigration, non-asylum cases. Currently, Legal Aid is available for immigration and asylum (subject to means and merits testing – see the October 2007 “Legal Aid 1 – General” information sheet). Indeed, to be awarded Legal Aid contracts last year, the Legal Services Commission generally required firms to apply to do a mix of immigration and asylum cases.

When RMJ entered administration, the Government assured Parliament that other not-for-profit organisations working in the same area were coping successfully with how the Legal Aid system worked (see e.g. what was said by Kenneth Clarke MP, Lord Chancellor and Justice Secretary, *Hansard* HC, 17 June 2010 : Columns 1023, 1024 & 1026). When it was put to the Government that the RMJ was doing an exceptionally large amount of work in the immigration and asylum area, and the Government was asked to identify what other not-for-profit organisations were doing this work, the Government specifically identified the IAS and noted that it was to receive contracts covering 20% of all Legal Aid in this area (see Kenneth Clarke MP, *Hansard* HC, 17 June 2010 : Column 1028). Whatever the Government may have thought was the position in 2010, what has now happened clearly shows that those who warned the situation was far less healthy were right.